

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

POWERHOUSE MARKS LLC,

Plaintiff,

v.

Case No. 04-73923  
Honorable Patrick J. Duggan

CHI HSIN IMPEX, INC., COSTCO  
WHOLESALE CORP., DICK'S SPORTING  
GOODS, INC., DUNHAM'S ATHLEISURE CORP.,  
MEIJER, INC., and WAL-MART STORES, INC.,

Defendants.

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**JUDGMENT**

Plaintiff filed this action alleging that defendants infringed its "POWERHOUSE" trademark. The matter proceeded to trial against all defendants, except defendant Wal-Mart Store, Inc., on May 1, 2006. On May 11, 2006, the jury returned a verdict in favor of plaintiff. Plaintiff subsequently filed a motion for judgment, which this Court granted in part and denied in part. Plaintiff also filed a motion for an award of attorney fees, which this Court granted.

Pursuant to the jury's verdict and this Court's decisions with respect to plaintiff's motions,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**, that judgment is entered in favor of plaintiff and against defendants Chi Hsin Impex, Inc., Costco Wholesale Corporation, Dick's Sporting Goods, Inc., Dunham's Athleisure Corporation, and Meijer, Inc. for violating the Lanham Act and the Michigan Consumer Protection Act;

**IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED**, that plaintiff is awarded trebled damages in the amount of \$2,157,000.00;

**IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED**, that costs shall be taxed against defendants Chi Hsin Impex, Inc., Costco Wholesale Corporation, Dick's Sporting Goods, Inc., Dunham's Athleisure Corporation, and Meijer, Inc. in favor of plaintiff;

**IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED**, that plaintiff is entitled to an award of some of its attorney fees;

**IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED**, that the following permanent injunction is issued:

Defendants Chi Hsin Impex, Inc., Costco Wholesale Corporation, Dick's Sporting Goods, Inc., Dunham's Athleisure Corporation, and Meijer, Inc., their officers, agents, employers and attorneys, and persons in active concert or in active participation with them, are permanently enjoined from manufacturing, distributing, or selling, fitness equipment and the goods and services identified in Powerhouse's federal registrations (e.g., dietary supplements; nutritional supplements; nutritionally fortified water; protein based nutrient-dense snack bars; publications; clothing and related products and accessories, namely shirts, pants, sweatshirts,

shorts, leotards, gloves, tank tops, and sweat bands; athletic training attire, namely sweatshirts, tank tops, warm up suits, jogging suits, shorts and caps) bearing the “POWERHOUSE” mark alone or with other words and/or designs, that are not authorized by Powerhouse.

DATE: December 4, 2006

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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